

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 128

To give the President legislative, line-item veto authority over budget authority in appropriations bills in fiscal years 1996 and 1997.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. SOLOMON (for himself, Mr. CRANE, Mr. CUNNINGHAM, Mr. MCINTOSH, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on Government Reform and Oversight and, in addition, to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To give the President legislative, line-item veto authority over budget authority in appropriations bills in fiscal years 1996 and 1997.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “The Legislative Line  
5       Item Veto Act of 1995”.

1 **SEC. 2. LEGISLATIVE LINE ITEM VETO RESCISSION AU-**  
2 **THORITY.**

3 (a) IN GENERAL.—Notwithstanding the provisions of  
4 part B of title X of The Congressional Budget and Im-  
5 poundment Control Act of 1974, and subject to the provi-  
6 sions of this section, the President may rescind all or part  
7 of any discretionary budget authority for fiscal years 1996  
8 or 1997 which is subject to the terms of this Act if the  
9 President—

10 (1) determines that—

11 (A) such rescission would help balance the  
12 Federal budget, reduce the Federal budget defi-  
13 cit, or reduce the public debt;

14 (B) such rescission will not impair any es-  
15 sential Government functions;

16 (C) such rescission will not harm the na-  
17 tional interest; and

18 (D) such rescission will directly contribute  
19 to the purpose of this Act of limiting discre-  
20 tionary spending in fiscal years 1996 or 1997,  
21 as the case may be; and

22 (2) notifies the Congress of such rescission by  
23 a special message not later than twenty calendar  
24 days (not including Saturdays, Sundays, or holidays)  
25 after the date of enactment of a regular or supple-  
26 mental appropriations act for fiscal year 1996 or

1       1997 or a joint resolution making continuing appro-  
2       priations providing such budget authority for fiscal  
3       year 1996 or 1997, as the case may be.

4       The President shall submit a separate rescission message  
5       for each appropriations bill under this paragraph.

6       **SEC. 3. RESCISSION EFFECTIVE UNLESS DISAPPROVED.**

7       (a) Any amount of budget authority rescinded under  
8       this Act as set forth in a special message by the President  
9       shall be deemed canceled unless during the period de-  
10      scribed in subsection (b), a rescission disapproval bill mak-  
11      ing available all of the amount rescinded is enacted into  
12      law.

13      (b) The period referred to in subsection (a) is—

14          (1) a congressional review period of twenty cal-  
15          endar days of session during which Congress must  
16          complete action on the rescission disapproval bill and  
17          present such bill to the President for approval or  
18          disapproval;

19          (2) after the period provided in paragraph (1),  
20          an additional ten days (not including Sundays) dur-  
21          ing which the President may exercise his authority  
22          to sign or veto the rescission disapproval bill; and

23          (3) if the President vetoes the rescission dis-  
24          approval bill during the period provided in para-

1 graph (2), an additional five calendar days of session  
2 after the date of the veto.

3 (c) If a special message is transmitted by the Presi-  
4 dent under this Act and the last session of the Congress  
5 adjourns sine die before the expiration of the period de-  
6 scribed in subsection (b), the rescission shall not take ef-  
7 fect. The message shall be deemed to have been  
8 retransmitted on the first day of the succeeding Congress  
9 and the review period referred to in subsection (b) (with  
10 respect to such message) shall run beginning after such  
11 first day.

12 **SEC. 4. DEFINITIONS.**

13 For purposes of this Act—

14 (1) the term “rescission disapproval bill” means  
15 a bill or joint resolution which only disapproves a re-  
16 scission of discretionary budget authority for fiscal  
17 year 1996 or 1997, in whole, rescinded in a special  
18 message transmitted by the President under this  
19 Act; and

20 (2) the term “Calendar days of session” shall  
21 mean only those days on which both Houses of Con-  
22 gress are in session.

1 **SEC. 5. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE**  
2 **LINE ITEM VETO RESCISSIONS.**

3 (a) **PRESIDENTIAL SPECIAL MESSAGE.**—Whenever  
4 the President rescinds any budget authority as provided  
5 in this Act, the President shall transmit to both Houses  
6 of Congress a special message specifying—

7 (1) the amount of budget authority rescinded;

8 (2) any account, department, or establishment  
9 of the Government to which such budget authority  
10 is available for obligation, and the specific project or  
11 governmental functions involved;

12 (3) the reasons and justifications for the deter-  
13 mination to rescind budget authority pursuant to  
14 this Act;

15 (4) to the maximum extent practicable, the esti-  
16 mated fiscal, economic, and budgetary effect of the  
17 rescission; and

18 (5) all factions, circumstances, and consider-  
19 ations relating to or bearing upon the rescission and  
20 the decision to effect the rescission, and to the maxi-  
21 mum extent practicable, the estimated effect of the  
22 rescission upon the objects, purposes, and programs  
23 for which the budget authority is provided.

24 (b) **TRANSMISSION OF MESSAGES TO HOUSE AND**  
25 **SENATE.**—

1           (1) Each special message transmitted under  
2       this Act shall be transmitted to the House or Rep-  
3       resentatives and the Senate on the same day, and  
4       shall be delivered to the Clerk of the House of Rep-  
5       resentatives if the House is not in session, and to  
6       the Secretary of the Senate if the Senate if the Sen-  
7       ate is not in session. Each special message so trans-  
8       mitted shall be referred to the appropriate commit-  
9       tees of the House of Representatives and the Senate.  
10      Each message shall be printed as a document of  
11      each House.

12           (2) Any special message transmitted under this  
13      Act shall be printed in the first issue of the Federal  
14      Register published after such transmittal.

15      (c) REFERRAL OF RESCISSION DISAPPROVAL  
16      BILLS.—Any rescission disapproval bill introduced with  
17      respect to a special message shall be referred to the appro-  
18      priate committees of the House of Representatives or the  
19      Senate, as the case may be.

20      (d) CONSIDERATION IN THE SENATE.—

21           (1) Any rescission disapproval bill received in  
22      the Senate from the House shall be considered in  
23      the Senate pursuant to the provisions of this Act.

24           (2) Debate in the Senate on any rescission dis-  
25      approval bill and debatable motions and appeals in

1 connection therewith, shall be limited to not more  
2 than ten hours. The time shall be equally divided be-  
3 tween, and controlled by, the majority leader and the  
4 minority leader or their designees.

5 (3) Debate in the Senate on any debatable mo-  
6 tions or appeal in connection with such bill shall be  
7 limited to one hour, to be equally divided between,  
8 and controlled by the mover and the manager of the  
9 bill, except that in the event the manager of the bill  
10 is in favor of any such motion or appeal, the time  
11 in opposition thereto shall be controlled by the mi-  
12 nority leader or his designee. Such leaders, or either  
13 of them, may, from the time under their control on  
14 the passage of the bill, allot additional time to any  
15 Senator during the consideration of any debatable  
16 motion or appeal.

17 (4) A motion to further limit debate is not de-  
18 batable. A motion to recommit (except a motion to  
19 recommit with instructions to report back within a  
20 specified number of days not to exceed one, not  
21 counting any day on which the Senate is not in ses-  
22 sion) is not in order.

23 (e) POINTS OF ORDER.—

24 (1) It shall not be in order in the Senate or the  
25 House of Representatives to consider any rescission

1 disapproval bill that relates to any matter other than  
2 the rescission budget authority transmitted by the  
3 President under this Act.

4 (2) It shall not be in order in the Senate or the  
5 House of Representatives to consider any amend-  
6 ment to a rescission disapproval bill.

7 (3) Paragraphs (1) and (2) may be waived or  
8 suspended in the Senate only by a vote of three-  
9 fifths of the members duly chosen and sworn.

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